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Urban Centres Secondary Plan and Zoning By-law Amendments: Recommend to Public Meeting Staff Report to Council

Report Number: 2019-85

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: September 23, 2019

Recommendations

1. That the report entitled Urban Centres Secondary Plan and Zoning By-law Amendments: Recommend to Public Meeting, dated September 23, 2019 be received;
2. That the Secondary Plan Amendment and a Zoning By-law Amendment generally described in Report 2019-85 be referred to a combined public meeting as required by the Planning Act;
3. That following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to Committee of the Whole, if required; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this Report is to provide information and rationale of a series of changes that are proposed to both the Urban Centres Secondary Plan and Urban Centres Zoning By-law, seek authorization to commence such amendments, and to proceed to a combined statutory Public Meeting in accordance with the requirements of the Planning Act.

Background

The majority of the policies of the Urban Centres Secondary Plan came into force and effect on April 30, 2015. Since that time, staff have been applying the Plan to

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development applications that have been received for development applications located within the Urban Centres. This 4-year period has allowed staff to get a sense of the practical nature of the Plan and identify technical anomalies that should be addressed. In addition, certain other planning documents have been adopted by Council which necessitate changes to the Secondary Plan in order to achieve alignment.

The Urban Centres Zoning By-law was prepared to directly implement the policies of the Urban Centres Secondary Plan at the zoning level. It was approved in September, 2018 and came into force and effect on June 10, 2019. Through the appeals process and the subsequent daily use by staff, a small number of specific changes are deemed to be required.

This Report provides information on the proposed revisions to both the Urban Centres Secondary Plan and Urban Centres Zoning By-law and recommends that both planning documents be amended in accordance with the provisions of the Planning Act.

Discussion

The proposed changes to the Urban Centres Secondary Plan and Zoning By-law generally fall into three categories:

1. Changes to clarify the original intent of policies and regulations;
2. Changes to acknowledge completion of, and implement recommendations of, other approved planning documents; and
3. Changes to achieve greater alignment between various sections and technical revisions to increase ease of use.

The following sections will provide a summary of the main changes and rationale proposed for the Urban Centres Secondary Plan and Urban Centres Zoning By-law.

Proposed Urban Centres Secondary Plan Changes

1. Remove all appeal boxes, etc from text and mapping. All appeals have been settled and therefore the identification of appealed sections and mapping is no longer needed.
2. Replace all references to "natural heritage areas" with "Lands within the Natural Heritage System and identified significant natural heritage areas" for greater alignment with provincial and regional planning documents.
3. Align the right-of-way widths in 8.3.3 with those shown in Appendix A - Conceptual Cross Sections.

4. Remove “public streets” and “parkland conveyed to Town” from exclusions in the Floor Space Index (FSI) calculations under the definition of “Land Area”, as a means of incentivizing these benefits.
5. Complete the following changes to align the Secondary Plan with the adopted Community Energy Plan:
 - a. Section 14.2.9 (ii) – Revise to add “the provision of buildings that are “district energy ready” as a means of density bonusing.
 - b. Add the following definition for district energy ready: “The physical structuring of buildings and internal areas as to enable future connection to a district energy system with minimal additional cost to the building owner. For the purposes of Section 14.2.9 (ii), conformity with this term shall be provided in a Sustainable Development Report.”
 - c. Revise Section 7.3.7 (xi) to incorporate the term “district energy ready”.
 - d. Revise Section 7.3.7 (xii) to include “The level to which a proposed development is district energy ready (if applicable)”
6. Clarify and strengthen policy language in 13.3.4 to state that a Community Energy Plan has been completed and development applications must speak to implementing the applicable recommendations in Sustainable Development Reports.
7. Complete the following changes to align the Secondary Plan with the adopted Mobility Hub Study:
 - Add sentence to end of Section 2.3 of Part A - Preamble to acknowledge that lower densities are acceptable at the Newmarket GO station given the physical constraints: “Metrolinx does recognize that mobility hubs vary in terms of size, type and function and not all mobility hubs will be able to achieve these density targets.”
 - Remove / revise points in 5.3.4 ii e) and 9.3.3 ii and iii to acknowledge that the mobility hub study has been completed.
 - Revise 8.3.7 to state that a north/south and east/west road network study may be conducted in the future, separate from the mobility hub study, while acknowledging that a study may draw from the mobility hub study’s findings.
8. Revise Section 7.3.4 iv to clarify from where the front yard setbacks of low density residential buildings must be taken.
9. Remove Section 7.3.5.1 vi because it does not relate specifically to podiums and is already addressed in Section 7.3.3.2.
10. Revise wording in Sections 8.3.4 i, ii, iii to:

- a. allow, in certain instances, a narrower width than 18m for private roads / lanes.
- b. Clarify that the primary purpose of private roads / lanes is to provide rear access to properties that have frontage on Yonge Street or Davis Drive.

11. Remove specific reference to 'pioneer village' in 10.3.2 ii c)
12. Section 10.3 and 7.3.5 i – Revise to recognize the Town's adopted Parkland Dedication By-law and ensure alignment between the two documents.
13. Potentially add general Major Transit Station Area (MTSA) policy language, in consultation with Region.

Mapping Changes:

1. Incorporate updated 2019 floodplain mapping from the Lake Simcoe Region Conservation Authority (LSRCA).
2. Delete the numerical height (metres) values as shown on Schedule 5. Typically, an Official Plan or Secondary Plan would state the number of storeys rather than an exact "metre" numerical value. Prescribing numerical floor height requirements is overly detailed for a high level planning document such as a Secondary Plan, and it is more appropriate to govern this level of detail in the zoning by-law, which are prepared in accordance with other building regulations including the Ontario Building Code.

By stating the numeric value in the zoning by-law as opposed to the Secondary Plan, a certain level of flexibility is provided in occasions where the number of storeys is maintained but the maximum height is exceeded, for example when a higher first floor ceiling height is proposed that would have the effect of increasing the overall meterage of the building. In such a scenario, a zoning by-law amendment would still be required which would include the notification of adjacent landowners, but an Official Plan Amendment would not be required.

In addition, Section 6.4.5 vi. provides guidance on how to deal with situations where there is a discrepancy or conflict between the height in metres and the number of storeys, and therefore this section also needs to be deleted to implement this change.

3. Revise Schedules 3, 4, 5 and 6 to replace the Future Local Road connection at Hillview Drive and Davis Drive with a Pedestrian Mews Connection symbol. This future road connection has been deemed to be unsuitable for a road connection due to the steep grades that are present in this area. However, a pedestrian connection is still envisioned in this location and therefore a Pedestrian Mews Connection symbol should be shown.

4. Rename “Planned Viva Rapidway Station” with “Existing and planned vivastation / curbside vivastation” on Schedules 3, 4, 5 and 6. This change is required to reflect the fact that many such stations are now constructed, and some of the stations (e.g. the Huron Heights station) is a curbside vivastation.
5. Mapping changes relative to the property at the southeast corner of Main Street and Davis Drive – Revise Parks and Open Space designation / Mixed Use designation limits (Schedule 3); add Medium Density Designation (Schedule 4); revise limits of the green space (Schedules 5 and 6). This change is required to respond to a request made by York Region.
6. Mapping changes relative to 11 Main Street South (generally located one property south of the corner property at the southeast corner of Main Street and Davis Drive) – Replace Parks and Open Space designation with Mixed Use designation (Schedule 3); add Medium Density Designation (Schedule 4); remove the green space (Schedules 5 and 6). This change is required to address a mapping error relative to this property.
7. Mapping changes relative to Criterion North site (generally located on the west side of Yonge St, north of the Mulock Estate property and south of the hydro corridor) – revise Natural Heritage System limits in accordance with previously submitted Natural Heritage System limits data on Schedules 3-6.
8. Mapping changes relative to 22 Bolton Ave and 27 Lundy’s Lane to implement the Urban Centres Secondary Plan’s designation across the extents of both properties.
9. Schedule 5 - Add “Existing Signal” symbol at existing entrance to the Upper Canada Mall on Yonge Street, north of the red “potential” light symbol.
10. Schedules 3-6 - Replace the conceptual mobility hub station study area (i.e. black dotted circle) with the Newmarket GO station mobility hub boundary as per the adopted Mobility Hub Study.

Proposed Urban Centres Zoning By-law Changes

1. Section 3 – Definition of Daylighting Triangle: Revise Diagram to show daylighting triangle originating from street lines rather than street centre lines.
2. Planned Width of Street Allowance: Revise the reference to Schedule “F” as Schedule F is not related to planned street allowances.

3. Section 5.3.1.4 (ii) – Revise to more accurately determine required number or carpool parking spaces; based on the current wording the number of required carpool parking spaces will always be 2 spaces.
4. 5.6.1 – Adjust formatting of Loading Space chart for increased clarity and ease of interpretation.
5. 5.7 – Revise to more accurately determine queuing requirements (required spaces, setbacks and direction).
6. 6.2.2.1 - Add “Place of Assembly” and “Medical Office” as permitted uses in the Mixed Use subzones.
7. 6.2.2.1, revise footnote 4 regarding parking lots to state that stand-alone surface parking lots are: “Permitted as an accessory use and may not be located between building and street along Yonge Street and Davis Drive. Parking lot is subject to the provisions of section 6.2.4.9 of this By-law.”
8. 6.2.4.1 ii) – Revise to add percentage of glazing required.
9. 6.2.4.2 and Illustration 4-6: Changes required to add clarity to the podium standards.
10. 6.2.4.5 – Specify setbacks on corner lots and add associated Diagram.
11. 6.3.1.2 - Add a parking rate for “Retirement Residence”. This is a defined term and use, but there is currently not an assigned parking standard.
12. 6.3.2.1 - Delete “Convenience Store” as a permitted use in the Institutional subzones.
13. Revise holding provisions to clarify that lifting of the “H” is required for development but that lifting of the “H” is not required for uses permitted by the by-law where no development is occurring. This change may be implemented through the following change:
 - “For any lot that is subject to a Holding Zone (H) on Maps 13 through 18 of this By-law (for example (H)-1), ~~the existing Buildings and uses on that lot shall continue to be permitted~~ **uses permitted by this By-law** shall be permitted and the provisions under Section 6.2.1.2, Section 6.2.5, Section 6.3.1.2, Section 6.3.5, Section 6.4.1.2, Section 6.4.5, and Section 8.1 shall prevail.”

14. Various other technical revisions to the numbering, cross-referencing, format and arrangement of the text, tables, diagrams, illustrations, schedules, punctuation and language.

Mapping Changes:

1. Incorporate updated 2019 floodplain mapping from the Lake Simcoe Region Conservation Authority (LSRCA).
2. Map 10 – Delineate area of Quaker Meeting House and associated cemetery, separating it from surrounding height allowances.
3. Schedule D – Add Priority Commercial lines to align with the Priority Commercial Area location in the Urban Centres Secondary Plan.
4. Revise mapping relative to 22 and 23 Bolton Ave and 27 Lundy's Lane to implement the Urban Centres Secondary Plan's Medium-High designation, as per recommended revision noted above, to achieve consistent zoning across the extents of these properties.
5. Revise mapping relative to 460 Davis to zone to implement the Urban Centres Secondary Plan's Parks & Open Space designation that exists on this site, as well as the existing exception for the site in Zoning By-law 2010-40.
6. Revise mapping relative to 200 Lancaster to implement the Urban Centres Secondary Plan's Mixed Use / Low Density designation.
7. Map 11 – Revise "See Map 10" reference to "See Map 8".

Other Minor Changes

Areas for improvement for the Urban Centres Secondary Plan and Zoning By-law are identified by staff on a fairly regular basis. It is possible that additional minor changes will be identified during the time between the authoring of this report and the recommended statutory Public Meeting. If any such changes to emerge, they are proposed to be included in the amendments and presented to the public at the statutory Public Meeting.

Future Major Changes

Staff note that new legislation has been introduced by the province (i.e. Bill 108) that will require additional amendments to the Secondary Plan, however these changes are beyond the scope of the changes intended in this series of changes. Such changes will

be included in a future Official Plan / Secondary Plan review following completion of the Regional Municipal Comprehensive Review (MCR) and associated Regional Official Plan Amendment.

Next Steps

Should Council direct Staff to commence the Official Plan and Zoning By-law Amendments as per the recommendations of this report, staff will commence the formal amendment processes as prescribed under the Planning Act including holding the statutory Public Meeting. Following the Public Meeting, staff will prepare the amendment documents for consideration by Council at a future meeting.

Conclusion

Updates are proposed to be completed on the Urban Centres Secondary Plan and Zoning By-law to reflect the recommendations contained within planning studies that have been recently adopted, as well as make necessary adjustments for clarity and ease of interpretation.

Business Plan and Strategic Plan Linkages

- Extraordinary Places and Spaces
 - Allow for the area to redevelop over time into a vibrant, pedestrian oriented and walkable mixed use community.
- Economic Leadership and Job Creation
 - Provides a clearer policy and zoning framework to encourage employment opportunities in the Urban Centres.
- Vibrancy on Yonge, Davis and Mulock
 - Helps develop the Davis Drive and Yonge Street corridors by ensuring the policy and zoning contexts are up-to-date and highly understandable.

Consultation

The Urban Centres Secondary Plan revisions summarized in this Report are of sufficient scope to warrant initiating an Official Plan Amendment process as per the requirements of Section 21 of the Planning Act.

Most of the Urban Centres Zoning By-law revisions summarized in this Report are of sufficient scope to warrant initiating a Zoning By-law Amendment process as per the requirements of Section 34 of the Planning Act.

It is recommended that both of these amendments be processed concurrently and proceed to a combined statutory Public Meeting.

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Human Resource Considerations

There are no human resource considerations associated with this report.

Budget Impact

These amendments are to be completed by staff and therefore there are no budget impacts.

Attachments

None.

Approval

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